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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,935	02/14/2002	Peter Paul M. Catalasan		1897

7590 08/09/2002

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EXAMINER

PALABRICA, RICARDO J

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 08/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,935

Applicant(s)

CATALASAN, PETER PAUL M.

Examiner

Rick Palabrica

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of improper content and the use of repugnant language. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

(1) if a machine or apparatus, its organization and operation;

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- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention and as failing to adequately teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure.

The claimed invention is a nuclear fusion reactor. However, there is no adequate or enabling disclosure of how such could be accomplished using the applicant's invention.

In Section IV of the specification, the applicant discloses the elements that consist his claimed reactor, i.e., rotating disk, fan blades, steam, fluid, gear box, starter/charger, battery and electrical consumption. The disclosure is insufficient as to:

- a. how exactly the rotating disk produce steam and what exactly are the temperature, pressure and flow rate of steam so produced;
- b. what exactly are the attributes of the fan blades, e.g., number of blades, size and weight in relation to the disk system, etc.
- c. what exactly is the configuration of the disk system, e.g., size, material (i.e., to provide good heat sink properties), means for support to hold it in place while spinning, etc.
- d. how exactly do the fan blades convey the steam to the disk system and power said system like a fission reactor.
- e. what exactly are the variable speed requirements for gear box A, and what exactly is meant by "centrifugal laser equilibrium requirements."
- f. how exactly do gear box A and B control the acceleration and deceleration of the disk system, and what are the required ranges of said acceleration and deceleration.
- g. how exactly does the electric motor start the fusion reactor, and how exactly does it function as a charger once the reactor is in operation.
- h. how exactly does the battery start the fusion reactor, and what exactly are its characteristics necessary to perform its intended function, e.g., voltage, capacity, operating life, etc.
- i. how exactly does the proton pump cause protons to be pushed into the top part of the disk system.

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- j. how exactly does the electric switch toggle between zero and positive charge, and what exactly is meant by "toggling between zero and positive charge."
- k. how exactly do the lasers so provide equilibrium to two protons, and what exactly is meant by "equilibrium."
- l. what exactly are these disk lasers to so produce the heat to fuse the two protons, and what exactly are the fusion conditions attained, e.g., temperature, pressure, etc.
- m. how exactly can helium be lighter than two protons, without being inconsistent with well-known and almost universally accepted values of the weights of these element and elementary particles, respectively.
- n. what exactly is the "simple circular electromagnetic field confinement" and how exactly does it prevent the two protons from contacting the bottom of the disk system.

The disclosure is insufficient in failing to set forth, operative embodiments or examples of the invention, including parameters, such as, fusion temperatures achieved, required characteristics of the proton gun, laser properties, specific construction details of the disk system, battery specifications, electrical switch construction and properties, etc. Examples and description should be of sufficient scope as to justify the scope of the claims. See MPEP 608.01(p).

The disclosure appears to only set forth a vague concept of using lasers and centrifugal energy for causing nuclear fusion, without any specific instructions, etc. on how such is to be actually accomplished. This view is supported by the failure to set

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forth a full example of the parameters of an operative apparatus for inducing fusion of atomic nuclei. One cannot rely on the skill in the art for the selection of the proper quantitative values to present an operative system based on applicant's theories and concepts since these theories and concepts have not been fully and adequately disclosed. See Bank v. Rauland Corp., 64 USPQ 93, In re Corneil et al., 145 USPQ 697.

It is thus considered that the examiner (for the reasons given above) has set forth a reasonable and sufficient basis for challenging the adequacy of the disclosure. The statute requires the application itself to inform, not to direct others to find out for themselves; In re Gardner et al., 166 USPQ 138, In re Scarborough, 182 USPQ 298. Note that the disclosure must enable a person skilled in the art to practice the invention without having to design structure not shown to be readily available in the art, In re Hirsch, 131 USPQ 198.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention as disclosed is inoperative and therefore lacks utility.

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The reasons the invention as disclosed is inoperative are the same as the reasons set forth in section 1 above as to why the disclosure is objected to, and said reasons are incorporated herein.

There is no factual evidence to show that the invention is operative.

It is well established that where the utility of the claimed invention is based upon allegations that border on the incredible or allegations that would not be readily accepted by a substantial portion of the scientific community, the applicant must submit sufficient substantiating evidence of operability. Note *In re Houghton*, 167 USPQ 687 (CCPA 1970); *In re Ferens*, 163 USPQ 609, *Puharich v. Brenner*, 162 USPQ 136 (CA DC 1969); *In re Pottier*, 153 USPQ 407 (CCPA 1967); *In re Ruskin*, 148 USPQ 221 (CCPA1966); *In re Citron*, 139 USPQ 516 (CCPA 1963); and *In re Novak*, 134 USPQ 335 (CCPA1962).

Claim Rejections - 35 USC § 112

3. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification in section 3 above.

4. Claims 1-5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that each fails to point out what is included or excluded by the claim language.

Claims 1-5 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

The examiner recommends that the applicant refer to an existing patent as a guide on how to properly formulate the claims. Examples of such patents are available from the U.S. Patent and Trademark Office website, <http://www.uspto.gov>.

Conclusion

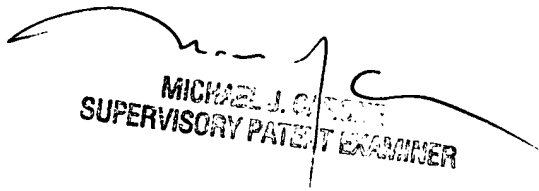
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

RJP
August 5, 2002


MICHAEL J. O'CONNELL
SUPERVISORY PATENT EXAMINER